UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/51/860
S/1997/280
7 April 1997
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Agenda items 33, 35 and 85
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-second year

Letter dated 4 April 1997 from the Chargé d'affaires a.i.
of the Permanent Mission of Kuwait to the United Nations
addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1997 and on behalf of the States members of the League of Arab States, I have the honour to transmit to you herewith a copy of resolution 107/5628, entitled "Question of Jerusalem", which was adopted by the Council of the League of Arab States at its one hundred and seventh regular session on 31 March 1997.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 33, 35 and 85, and of the Security Council.

(Signed) Ali Sulaiman R. AL-SAEID
Chargé d'affaires a.i.

ANNEX

Resolution adopted by the Council of the League of Arab States at its one hundred and seventh session on 31 March 1997

QUESTION OF JERUSALEM

The Council of the League of Arab States,

Having considered:

The note by the General Secretariat concerning Jerusalem;

The resolutions of the Arab Summit Conferences;

Its previous resolutions on Jerusalem; and

The recommendation of the Political Affairs Committee,

Affirming the importance of the status of the City of Jerusalem as the core of the Palestine issue,

Recalling the resolutions of the United Nations and its specialized agencies relating to the status of the Holy City,

Bearing in mind that the provisions of the present resolution will serve as a programme of action for the General Secretariat of the League of Arab States and for the presidency of the Council,

DECIDES:

1. To affirm the Arab character of Jerusalem; to uphold the presence of the existing national institutions there and the right of representatives of States to visit Orient House; and to urge the reopening of the institutions closed by the occupation authorities;

2. To urge the States that are the co-sponsors of the peace process to bring pressure to bear on Israel to comply with the relevant United Nations resolutions and primarily Security Council resolutions 252 (1968) and 476 (1980), in which the Council considers the measures taken by Israel in the City of Jerusalem to be invalid;

3. To take action to have a session of the General Assembly convened to consider the issue of settlement activity in Jerusalem on the basis of the "Uniting for peace" formula; and to request the United Nations and the relevant international bodies to bring pressure to bear on Israel to lift the siege on the City, to allow Palestinian citizens, Muslims and Christians, to perform their religious rites and to halt the excavations that threaten the Al-Aqsa Mosque;

4. To safeguard the Arab presence in the City of Jerusalem; and to provide support of every kind to Arab citizens in Jerusalem and its Arab environs by establishing productive enterprises, implementing housing programmes and promoting Arab construction activities in the City in order to achieve an Arab majority there;

5. To condemn the Israeli Government in the strongest terms for its decision to begin construction on Jewish settlements in the heart of Jerusalem (in Ras al-Amud and at Jabal Abu Ghneim); and to regard that action as a violation of the agreements concluded in the framework of the peace process and as constituting open defiance of international legitimacy and a breach of all the relevant United Nations resolutions;

6. To urge the Arab States that had begun to establish relations with Israel to take all possible countermeasures, including the closure of offices and missions, until such time as Israel complies with the agreements concluded between it and the Palestine Liberation Organization and abides by the United Nations resolutions relating to the question of Palestine and, in particular, the question of Jerusalem;

7. To condemn such practices of the Israeli forces as the demolition of the homes and shelters of the Jahalin Bedouin, the seizure of their lands and their eviction for the expansion of the Maaleh Adumim settlement established on their property;

8. To welcome the statement issued by the European Union condemning the decision of the Israeli Government to approve the plans for construction at Jabal Abu Ghneim; and to consider Jerusalem as being subject to the principles set forth in Security Council resolution 242 (1967) and, in particular, to the principle of the inadmissibility of the acquisition of territory by force;

9. To support the recommendation of the Al-Quds Committee, under the chairmanship of His Majesty King Hassan II, that the assets of the Al-Quds Fund and Waqf should immediately be placed at the disposal of the Palestine Liberation Organization and the Palestinian National Authority in view of the present conditions in the City of Jerusalem and in order to counter the conspiracy for the Judaization of the City and the settlement campaign;

10. To adopt 28 June, the day Israel proclaimed the annexation of Jerusalem, as an annual day to express rejection of that decision by every means, and primarily by a five-minute Arab general strike and by an extensive media campaign to counter the Israeli policy of depriving Palestinian citizens of their right to reside on their land and in their City by using all manner of illegal means and measures;

11. To take appropriate measures to thwart any Israeli scheme relating to Jerusalem in the Congress of Historic Cities, both through contacts with the Governing Council of the Organization of Historic Cities in Kyoto, Japan, and through contacts with officials in Poland, where the next session of the Congress is to be held;

12. To urge all Arab and Islamic States that have historic cities to apply for membership of the Organization of Historic Cities with a view to safeguarding Arab rights in Jerusalem;

13. To continue to coordinate action by the General Secretariat of the League of Arab States and the Organization of the Islamic Conference relating to the situation of the City of Jerusalem and measures for its Judaization; and to take joint action to convene a seminar on Jerusalem, as decided by the Council at its previous session in its resolution 5581 C of 15 September 1996;

14. To request the Secretary-General to establish the necessary contacts with international and regional organizations and the specialized agencies of the United Nations in order to consider appropriate means of preserving the cultural and religious heritage of the Holy City of Jerusalem.

Resolution 107/5628
One hundred and seventh regular session
3rd meeting
31 March 1997

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GENERAL

A/51/858
S/1997/281
7 April 1997
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SECURITY COUNCIL
Fifty-second year

Letter dated 4 April 1997 from the Chargé d'affaires a.i.
of the Permanent Mission of Kuwait to the United Nations
addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1997 and on behalf of the States members of the League of Arab States, I have the honour to transmit to you herewith a copy of resolution 107/5629, entitled "The Arab-Israeli conflict and Israel's sabotage of the ongoing peace process", which was adopted by the Council of the League of Arab States at its one hundred and seventh regular session on 31 March 1997.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 33, 35 and 85, and of the Security Council.

(Signed) Ali Sulaiman R. AL-SAEID
Chargé d'affaires a.i.

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ANNEX

Resolution adopted by the Council of the League of Arab States at its one hundred and seventh session on 31 March 1997

THE ARAB-ISRAELI CONFLICT AND ISRAEL'S SABOTAGE OF THE ONGOING PEACE PROCESS

The Council of the League of Arab States,

Having considered the latest developments and imminent dangers and the obstacles raised by Israel with a view to sabotaging the ongoing peace process,

Being committed to the achievement of a just and comprehensive peace in the region and to salvaging the peace process,

RECOMMENDS:

1. That the steps taken towards normalization with Israel in the framework of the ongoing peace process should be halted, and that dealings with Israel should be suspended, together with closure of offices and missions, until such time as Israel complies with the terms of reference of the Madrid Conference and the principle of land for peace and implements the agreements, undertakings and commitments reached by the parties concerned, on all tracks, during the peace talks;

2. That Arab participation in the multilateral negotiations should be suspended, and that commitment to the Arab boycott should be maintained in the forefront and should be kept in effect vis-à-vis Israel until such time as a just and comprehensive peace is achieved in the region.

Resolution 107/5629
One hundred and seventh regular session
3rd meeting
31 March 1997

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A/51/859
S/1997/282
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SECURITY COUNCIL
Fifty-second year

Letter dated 4 April 1997 from the Chargé d'affaires a.i.
of the Permanent Mission of Kuwait the United Nations
addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1997 and on behalf of the States members of the League of Arab States, I have the honour to transmit to you herewith a copy of resolution 107/5630, entitled "Settler colonialism in the occupied Palestinian territory", which was adopted by the Council of the League of Arab States at its one hundred and seventh regular session on 31 March 1997.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 33, 35 and 85, and of the Security Council.

(Signed) Ali Sulaiman R. AL-SAEID
Chargé d'affaires a.i.

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ANNEX

Resolution adopted by the Council of the League of Arab States at its one hundred and seventh session on 31 March 1997

SETTLER COLONIALISM IN THE OCCUPIED PALESTINIAN TERRITORY

The Council of the League of Arab States,

Having considered:

The note by the Secretariat concerning settler colonialism in the occupied Palestinian territory;

The recommendation made by the Conference of Arab Officials Responsible for Palestinian Affairs in the Host Countries at its fifty-seventh session;

Its previous resolutions and the relevant resolutions of the United Nations;

The recommendation of the Political Affairs Committee,

Having been informed of the expansionist plans of the Israeli authorities, the expropriation of land, the escalation of settlement activity and the statements of Israeli leaders calling for the expansion of settlements,

DECIDES:

1. To affirm that the resolutions embodying international legitimacy must be implemented, in particular Security Council resolution 465 (1980) calling upon Israel to halt all settlement activity and to dismantle the existing settlements; and to affirm that settlement activities are in violation of the Geneva Conventions and the Madrid framework and constitute an impediment to the peace process;

2. To reject and condemn all Israeli settlement practices, especially the latest plan for settlement at Jabal Abu Ghneim; and to warn against the consequences of pursuing this policy, which is having a serious impact on the peace process and threatening to destroy it;

3. To urge the international community and all States providing economic and financial assistance to Israel, in particular the United States and the countries of the European Union, as well as the international donor institutions and funds, to halt assistance that is used by Israel to implement settlement plans in the occupied Palestinian territory;

4. To support and endorse the measures taken by the competent authorities of the State of Palestine to form popular local committees to defend Palestinian land and counter Israeli violations;

5. To affirm the need to implement League Council resolution 5582 on the convening, in the second half of 1997, of an international seminar on settlement activity highlighting the dangerous character of the underlying concepts and practical implications of Israeli settler colonialism.

Resolution 107/5630
One hundred and seventh regular session
3rd meeting
31 March 1997

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/283
8 April 1997

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Having decided to consider the nominations for Judges of the International Criminal Tribunal for the Former Yugoslavia received by the Secretary-General by 13 March 1997,

Forwards the following nominations to the General Assembly in accordance with article 13 (d) of the Statute of the International Tribunal:

Mr. Masoud Mohamed Al-Amri (Qatar)
Mr. George Randolph Tissa Dias Bandaranayake (Sri Lanka)
Mr. Antonio Cassese (Italy)
Mr. Babiker Zain Elabideen Elbashir (Sudan)
Mr. Saad Saood Jan (Pakistan)
Mr. Claude Jorda (France)
Mr. Adolphus Godwin Karibi-Whyte (Nigeria)
Mr. Richard George May (United Kingdom)
Ms. Gabrielle Kirk McDonald (United States)
Ms. Florence Ndepele Mwachande Mumba (Zambia)
Dr. Rafael Nieto Navia (Colombia)
Dr. Daniel David Ntanda Nsereko (Uganda)
Dr. Elizabeth Odio Benito (Costa Rica)
Dr. Fouad Abdel-Moneim Riad (Egypt)
Mr. Almiro Simões Rodrigues (Portugal)
Mr. Mohamed' Shahabuddeen (Guyana)
Prof. Jan Skupinski (Poland)
Prof. Wang Tieya (China)
Mr. Lal Chand Vohrah (Malaysia)

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UNITED
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Security Council

Distr.
GENERAL

S/1997/284
7 April 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 7 APRIL 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the statement made by the President of the Security Council on 4 April 1997 (S/PRST/1997/18) concerning the flight made by an aircraft of Libyan Arab Airlines taking Libyan pilgrims to the Holy Places.

I should like to reaffirm the following points, which I made at my meeting with you and to a number of the members of the Security Council and which represent my country's position on this question:

1. My country conveys its deep concern and regret that such a statement should have been adopted by the Security Council. We would have expected the Council to be more perceptive in addressing religious issues that concern a person's faith and his relationship with his God in view of the sanctity of the direct relationship between a Muslim and his God when Muslims gather together and because of the political repercussions of encroaching upon this relationship.

2. The Pilgrimage is a religious duty for all Muslims, as is explicitly stipulated in the Holy Koran. Its performance and the choice of a means of reaching the Holy Places is one of the rights of a Muslim on which there are no religious restrictions and with respect to which he does not require anyone's intercession or permission.

3. In this context, that an aircraft of Libyan Arab Airlines should proceed to the Pilgrimage is a purely religious matter. The Council should not have considered it otherwise and should not have given it a political dimension. It was not, after all, a tourist flight or a commercial flight.

4. In addition to the purely religious matters indicated above and in the light of the economic restrictions imposed on the country and of which everyone is aware, in particular the restrictions on the movement of its funds, the Libyan Arab Jamahiriya is unable to lease aircraft from other companies for the carriage of pilgrims. It is thus obliged to transport pilgrims by whatever means of aerial transport are available to it.

5. Taking account of all the foregoing, we are of the view that the Security Council should refrain from interfering in this sensitive religious matter out of respect for the right of Muslims to perform their rites and in order to avoid the complications that might ensue from provoking the sentiments not only of Muslims in my country but also of Muslims in general. Our region in particular, over and above what is already known of it, continues to be fraught with the unpredictable consequences of such complications.

I should be most grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abuzed O. DORDA
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/284*
16 April 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 7 APRIL 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

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2. The Pilgrimage is a religious duty for all Muslims, as is explicitly stipulated in the Holy Koran. Its performance and the choice of a means of reaching the Holy Places is one of the rights of a Muslim on which, from the religious viewpoint, there are no restrictions and with respect to which he does not require anyone's intercession or permission.

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* Reissued for technical reasons.

transportation of pilgrims. It is thus obliged to transport pilgrims by whatever national means of aerial transport are available to it.

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(Signed) Abuzed O. DORDA
Permanent Representative